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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,669	04/20/2000	Dennis A. Brittain	08765-003001	6175

7590

10/24/2003

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.
09/553,669

Applicant(s)
Brittain

Examiner
Viet Vu

Art Unit
2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/24/03 and 9/30/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 93-140 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 93-140 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

1. The supplemental amendment filed 9/30/03 stated to withdraw claims 1-92 and replace withdrawn claims with new claims 93-138. Since there were 94 claims pending before this amendment, pursuant rule 26, new claims 93-138 will be renumbered as claims 95-140 respectively.

Per conversation with applicant on October 15, 2003, claims 1-92 will be entered as canceled claims by the office so that applicant will not be incurred additional charge on those additional claims. Claims 93-140 are now pending including claims 93-94 that were filed on 7/24/03. Applicant is requested to cancel claims 1-94 and use correct claim numbers (95-140) in the next correspondence. Applicant is also reminded to use the term "cancel" or "canceled" in stead of "withdraw" or "withdrawn" for canceled claims in future correspondence in order to avoid the confusing over calculation of fee for examination claims.

Objection to the specification:

2. The current title is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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Art Rejections:

3. The text of 35 USC 103(a) not cited here can be found in the previous office action.

4. Claims 93-123 and 128-140 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sequeira, U.S. pat. No. 6,185,5585, in view of Mano et al, U.S. pat. No. 5,978,807.

Sequeira discloses a system and method for capturing and storing data from a network comprising:

a) using a web browser for specifying target data addressable by a network address at a particular date and time (see Sequeira's col 6, lines 1-18),

b) retrieving, extracting and processing specified target data at the particular date and time using user-specified parameters, i.e., types of data, number of nested levels, locations, etc., (see Sequeira's col 6, line 44-col 7, line 38 and col 8, lines 28-42),

c) storing the target data (see Sequeira's col 6, lines 53-60).

Sequeira does not explicitly teach enabling users to specify dates and times for retrieving target data. Mano discloses a method for enabling users to specify input parameters including target data, dates and times via an interface for downloading target data automatically (see Mano's col 2, lines 38-56 and figure 3).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Mano's scheduling step in Sequeira for capturing internet content because it would have enabled capturing internet content without user interactions (see Mano's col 2, lines 38-56).

Per claim 122, the use of character recognition to convert image to text is well known in the art.

Per claims 128-129, it is also noted that the use of timeout to terminate nonresponsive communication is well known in the art.

Per claims 132-134 and 139, Sequeira teaches using pointing device (e.g. mouse) to graphically highlight/select target data (e.g., click on an embedded link) within the browser (see col 6, lines 6-18).

5. Claims 124-127 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sequeira and Mano and further in view of Sundaresan, U.S. pat. No. 6,487,566.

Sequeira does not teach specific technique to convert target data into another format for storing in the database. The use of various data conversion methods including tree/string matching is well known in the art as disclosed in Sundaresan (see Sundaresan's cols 3-4).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any known data capturing/conversion in Sequeira to implement Sequeira's invention (see Sequeira's col 7, lines 7-8).

Response to Amendment:

6. Applicant's arguments filed on July 24, 2003 with respect to Sequeira have been fully considered but they are not deemed persuasive.

It is submitted that the rejection has been revised with the addition of new references set forth above to address applicant's concerns on the scheduled data capturing limitation and specific method of data translations in the current claims.

Applicant also asserts that the term "parameter" has different meaning in the claims compared to prior art.

The examiner is unable to find the alleged distinction in the present claims.

Conclusion:

7. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

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8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
10/16/03